

## REMARKS

### Status of the Claims

Claims 1-3, 6, 9-14, and 18-21 are currently pending after entry of this amendment. Claims 1-3, 6, 9-14, and 18-20 stand rejected. Claims 1, 12, and 19, have been amended. Claims 21 and 22 have been added. Entry and consideration of these claims is respectfully requested.

### Support for Amendments

No new matter is believed to have been added by these amendments.

Support for the amendment to claims 1, 12, and 19 can be found on page 5, lines 10-12, page 13, lines 7-13, and FIG. 4, arrows 67 and 69.

Support for new claim 21 can be found on page 5, lines 19-23.

Support for new claim 22 can be found in original claim 8.

### Objections to the Specification:

The Examiner objected to the amendment to the paragraph beginning on page 14, line 14 of the specification because it failed to comply with the requirements of 37 CFR § 1.121. Applicants have submitted a corrected replacement paragraph with the deleted text in double brackets and the added text underlined. Applicants respectfully request the Examiner to withdraw this objection.

The Examiner objects to informalities in the first paragraph of the Summary. Applicants respectfully traverse. Applicants contend that an amendment to the Summary of the Invention is premature at this time. MPEP 1302.01 states that "when an application is apparently ready for allowance, it should be reviewed by the examiner to make certain that the whole application meets all formal and substantive requirements." If the claims are allowed, an amendment to the Summary may be necessary at that time (emphasis added).

The Examiner objected to Claims 1-3, 6, 9-14, and 18. Claims 1 and 12 have been amended to withdraw the previously added subject matter, thereby eliminating the

need for the Examiner's proposed change. The Applicants respectfully request this objection be withdrawn.

### **Rejections Under 35 U.S.C. § 112**

Claim 9 was rejected because it depended from a cancelled claim 8. The subject matter of Claim 8 has been reinstated as "New" Claim 22. Claim 22 depends from Claim 1. Therefore, Claim 9 now depends from a non-cancelled claim. Applicants respectfully request the Examiner to withdraw this rejection.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 1-3, 6, 12-14, and 19-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mastuda, U.S. Patent No. 3,612,054, in view of Kjellberg, U.S. Patent No. 5,423,787, Becker, U.S. Patent No. 4,657,538, and Kimberly Clark, WO 95/06451. This rejection has been overcome by the present amendments and following comments.

Independent claims 1, 12, and 19 have been amended to recite an absorbent insert that allows fluid to pass therethrough to the absorbent garment. The absorbent insert is designed to be used with an absorbent garment to supplement the absorbency of the absorbent garment, page 5, lines 10-12 of Applicants' specification. The insert achieves this goal by including a garment-facing layer that is at least partially fluid permeable. Because the garment-facing layer is at least partially fluid permeable, when the volume of fluid exceeds the capacity of the absorbent layers, the fluid then flows around the delay layer, through the garment-facing layer, and into the outer absorbent garment, page 13, lines 7-13 and FIG. 4.

Matsuda does not teach or disclose each and every element of the claimed invention. Matsuda teaches a sanitary napkin including barrier layers. Matsuda does not disclose an absorbent insert that would allow fluid to pass therethrough into an absorbent garment. Applicants have defined "layer," as including not only single unfolded sheets of material, but multiple or folded sheets or aggregations of fibers that generally constitute or function as a unit. Applicants submit that elements 10 and 11 of Matsuda function as a unit and are together the garment facing layer. As such, this

garment-facing layer is not fluid permeable. In fact, the waterproof strip 10 may be as wide or wider than the absorbent layers 8 and 8a, col. 1, lines 42- 48 and col. 2, line 1. The waterproof strip 10 and the outer cover 11 function together to prevent the flow of fluid through the sanitary napkin. Therefore, Matsuda does not include each and every feature of the currently amended claims.

Kjellberg, Becker, and Kimberly Clark do not disclose a garment-facing layer that is at least partially fluid permeable, nor do they disclose an absorbent insert that allows fluid to pass therethrough to the absorbent garment. Because Matsuda, either alone or in combination with any of the other cited references, does not disclose or suggest each and every element of the claims as amended Applicants respectfully request this rejection to be withdrawn.

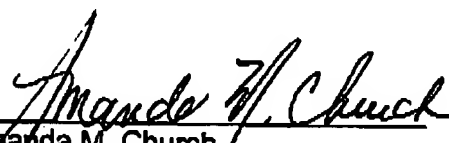
Claims 10-11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Mastuda, Kjellberg, Becker, and Kimberly Clark and further in view of Poulsen, U.S. Patent No. 2,929,379. This rejection has been overcome by the present amendments and following comments.

As discussed above, a *prima facie* case of obviousness over Matsuda, either alone or in combination with Kjellberg, Becker, and Kimberly Clark, has not been established as the references do not teach or suggest each and every element of the claims. Furthermore, Poulsen does not disclose an absorbent insert that allows fluid to pass therethrough to the absorbent garment. Therefore, because the references cited by the Examiner do not disclose or suggest each and every element of the claimed invention, Applicants respectfully request the Examiner to withdraw this rejection.

**CONCLUSION**

Applicants believe they have completely addressed all the objections and rejections raised by the Examiner. Applicants believe that all the claims are in condition to be allowed and respectfully request the same. If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4787 to resolve any remaining issues.

Respectfully submitted,

  
Amanda M. Church  
Registration No. 52,469  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200